G. R. S. IX-5]

Previous references. 1869 ~~191~~. (Pol.)

File No. 1-69

Serial Nos. 1-19.

Later references.

90

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 19.

~~All~~. ~~Part~~ B for August 1871.

SUBJECT.

Rules re employment of Convicts on Extra-Mural Labour.

Submitted.

Mirza Nazeer Hussain.

W D 83—GPB—50,000—24-7-16

1869 No 287

From The Secretary to the Govt of India Home Dept

To

Simla

Dated 28th October 1869

Received

Section Forwarded

No Enclosures Noted

Date Received 18

Answered 18

Subject

No. 1610

Extract from the Proceedings of the Government of India in the Home Department (Judicial),—
under date Simla, the 26th October 1869.

READ again—

The Resolution of this Department, No. 2028-40, dated the 28th of December last, restricting transportation to Port Blair to the cases of life convicts, and requesting the Local Governments and Administrations to regulate the provision of jail accommodation accordingly, &c.

Read a despatch from Right Hon'ble the Secretary of State, No. 20, dated 22nd July 1869, fully approving of the above Resolution.

Read again the undermentioned correspondence :—

Letter No. 30, dated the 9th of January last, to the Officiating Chief Commissioner of the Central Provinces, in regard to his recommendations that the Central Jails at Nagpore and Jubbulpore should be constituted places of transportation under the provisions of Section 51 of the Criminal Procedure Code.

Letter No. 31 of the same date, to the Government of Bengal, in regard to a similar recommendation as to the Central Jails at Alipore, Deegah, and Hazareebaugh.

Read again the undermentioned correspondence with the Chief Commissioner of British Burmah :—

From the Secretary to the Chief Commissioner of British Burmah, Nos. 558–12 and 41–2, dated, respectively, the 19th and 20th of April last.

Reply to the above letters, stating that certain general orders will shortly be issued in reference to the recent ruling that convicts are not to be sent to "Port Blair except for life," and that meanwhile there is no objection to Burmese convicts under sentence of transportation for life being sent, as usual, to Bombay or to Madras.

Read also the undermentioned replies to the Resolution of the 28th of December last :—

From the Government of Bombay, No. 470, dated the 10th of February last.

From the Government of Bombay (in continuation of the above), No. 954, dated the 20th of March.

From the Government of Bengal, No. 2000, dated the 22nd of March, with enclosures, recommending that the whole of Assam may be declared a place of transportation under Section 51 of the Criminal Procedure Code; it being left to the Local Government to select the jails to which prisoners may be sent: and stating that the recommendation as to Assam will not supersede that regarding the Central Jails at Alipore, Deegah, and Hazareebaugh.

From the Government of the North-Western Provinces, No. 342, dated the 20th of March, with enclosure, requesting that the Central Jails at Benares, Allahabad, Agra, Furruckabad, Bareilly, and Meerut may be appointed places for the reception of persons sentenced to transportation.

From the Government of the Punjab, No. 972, dated the 16th of July, submitting proposals for increased jail accommodation in the Province.

Read also-

Letter from the Government of the Punjab, No. 478, dated the 12th of April, with enclosures, requesting early sanction to the erection of temporary subsidiary jails for short-term prisoners, and enquiring whether out-door labour is deemed desirable.

RESOLUTION.

THE Resolution of the 28th of December 1868 restricted transportation to convicts sentenced for life. This order has been fully approved by the Right Hon'ble the Secretary of State, and nothing has since occurred to throw doubts

on the propriety of the change. Further action must, however, be taken to provide for the numerous convicts who, but for this restriction, would have been sent to Port Blair under sentence of transportation for periods of seven to fourteen years.

2. The first necessity is to fix places of imprisonment for the criminals who will be sentenced to transportation for a term of years, if the Courts continue to exercise the full discretion vested in them by Section 59 of the Indian Penal Code.

3. In Bombay the difficulty has been removed; the Judges of the High Court having issued a circular in which an opinion is expressed that the Sessions Judges should in future refrain from passing sentences of transportation except for life.

4. Under the other Governments, the Courts may possibly continue to pass sentences of transportation for a term of years. To meet this contingency, an application has been made by the Government of the North-Western Provinces to declare, under Section 51 of the Criminal Procedure Code, certain Central Jails in those Provinces places of transportation. The Governor General in Council is pleased to comply with the application, and to issue a Notification accordingly. The Local Government might call the attention of the High Court to the Notification, with the view to the issue of a circular to the District Courts,—not to fetter the Court's discretion in any way, but simply to let it be known what will be the effect of passing sentences of transportation otherwise than for life.

5. The Government of Bengal has made a different proposal to meet the difficulty. It is desired to make Assam a place of transportation generally for Bengal. To this proposal the Governor General in Council cannot assent. Not only are there grave doubts as to the prospect of convicts from the Lower Provinces retaining their health in Assam, but the proposal is open to objection, on the ground that it is not expedient or proper to select particular Province, or any one portion of it, for a penal settlement.

6. There would not be the same objection to an interchange of convicts between Bengal and Madras or Bombay, but Assam is notoriously distasteful to all inhabitants of Bengal Proper. This distaste would be aggravated by formally declaring Assam, or any tract similarly circumstanced, to be a penal settlement. It seems preferable therefore to declare the Central Jails of Bengal to be places of transportation.

7. But there will remain in every Government and Administration the same difficulty as to the disposal of the numbers who will now stay in the country, instead of being transported to the Andamans. It is not possible to provide sufficient accommodation in Central Jails for the increased numbers of convicts. This question has already been raised in the above-quoted letter from the Punjab Government of the 12th of April 1869.

8. The Governor General in Council is of opinion that much advantage would result from a revision of the mode of treating convicts under sentence, and that when the Central Jails now under construction or proposed are near completion, it will not be difficult to devise for convicts in India a system based on the principles now observed in carrying out sentences of penal servitude in the United Kingdom.

9. For this change, however, some time is needed, whereas an urgent necessity exists for making immediate provision for a large body of men. It must be considered, therefore, what modification of the present system may be now devised, so as to give early relief, and prevent the overcrowding of the jails. Such relief may best be found in a relaxation of the rules prohibiting extra-mural labour.

10. In the opinion of His Excellency in Council, the present rules for jail discipline have gone to an extreme in discouraging extramural labour. It is quite true that frequent failures in the employment of convicts on out-of-door labour, may be quoted in support of the existing rules, but the failures have been owing rather to want of observing the proper conditions necessary to ensure success, than to any other cause.

11. At the present juncture, when so many additional convicts will have to be provided for in India, it seems to be a peculiarly fitting opportunity for giving, with due caution, a fair trial to a system of open air labour, not in supersession of, but as an addition to, the existing modes of discipline sanctioned for prisoners under sentence.

12. The Governor General in Council has therefore no hesitation in authorizing a trial of out-door labour, provided that certain conditions are very rigidly observed.

13. In the first place, it should not be permitted to scatter convicts on works at different points. The men must be employed in large bodies so as to be under a supervision as constant and as rigid as that to which they would be subjected in the best regulated prison in India; for the enforcement of such discipline European supervision is absolutely necessary. The earthwork of large embankments and the excavation and head works of large canals are peculiarly well suited for the employment of convicts, and it is essential that convict gangs should not be associated with bodies of free labourers. As fitting accommodation and shelter must be provided, the convicts should be located at places where these works of construction are likely to last for a considerable time. The greatest care as to diet and the observance of the strictest sanitary precautions must be provided for by regulations that cannot be evaded or misunderstood. Care must be taken not to employ on detached works desperate characters, who [illegible] escape, or men [illegible] constitution, are unlikely to bear the [illegible]

14. The Governor General in Council would also correct the impressions entertained by the Punjab Government that the class selected for out-of-door work should be short-term convicts. Prisoners, under short sentences of rigorous imprisonment, should be strictly kept to rigorous labor within the jail walls, and the class from which the out-door labourers should be drawn is that of convicts sentenced for long terms, but of whose imprisonment a period remains unexpired. Thus no one sentenced to less than one year should be sent to labour in these gangs, in which prisoners convicted of the most heinous crimes must be associated. In order to diminish the inducements to escape, the Governor General in Council would sanction rules, providing for a remission of sentence not exceeding one month for every year of good work performed by a convict on out-door labour.

15. The establishments to be employed on these subsidiary jails, the additional guards, and other charges will have to be separately sanctioned, and an account of the value of the work performed will have to be scrupulously kept, so that the financial results may be recorded and reported in the annual Jail Reports.

16. The several conditions above noted, and any further precautionary regulations that may be deemed advisable, should be embodied in a code of general rules. Additional special rules may be required by local circumstances, but the main rules to be observed will be of general application, and His Excellency the Governor General in Council would be glad to receive from the Local Governments of Madras, Bombay, Bengal, North-Western Provinces, and the Punjab, a draft of such general rules.

17. It may be expected that, under the orders now issued, the Local Governments and Administrations will have no difficulty in providing for the surplus prisoners who will remain in India instead of being transported to Port Blair.

ORDERED, that a copy of the above Resolution be forwarded to the Local Governments and Administrations for information and guidance, and that a copy of the Notification mentioned in paragraph 4, be also forwarded to the Government of the North-Western Provinces. That a copy be forwarded to the Government of Bengal, with a request that it may be stated, with reference to paragraphs 5 and 6, what Central Jails should be constituted places for the reception of prisoners sentenced to transportation.

Ordered also, that a copy be forwarded to the Financial and Public Works Departments for information.

(True Extract.)

(Sd.) E. C. Bayley

Secretary to the Govt. of India.

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From

To

Dated 7 February 70

Despatched

Received 16

Enclosures No.

Encl No.

Encl No.

Sec'

Encl No.

1870. No. 406

Fort William

Home Despatches

The Secretary to the Govt of India

Marine Department

Simla

Dated 7th June 1870

Received 16th June 1870

No. 322

Subject Transmitting Copy of Letter from the Secretary to the Government of Bengal No. 2416 dated 2nd June 1870 and Enclosures

Sir

I have the honor to transmit herewith for the information of the Secretary of State for India in Council a copy of a letter from the Secretary to the Government of Bengal No. 2416 dated 2nd June 1870 and enclosures on the subject of the Pilotage Establishment of the Hooghly River.

I have the honor to be
Sir
Your most obedient Servant
(Signed) H. Norman
Secretary to the Government of India

To
The Secretary of State for India in Council

No. 264

From E. C. BAYLEY, Esq.,
Secy. to the Govt. of India,

To The Chief Commissioner of Mysore and Coorg

Home Dept.
Judicial.

FORT WILLIAM, *the* 7 *February* 1870.

SIR,

IN continuation of Resolution No. *1640* dated the 28th October last, I am directed to forward a copy of the Rules under which convicts are employed in associated labor in the open air at Portland Prison in England. These Rules may probably be useful in framing the Code of general Rules called for in the 16th paragraph of the Resolution, to which I am to request an early reply.

I have the honor to be,
SIR,
Your most obedient Servant,

E C Bayley

Secy. to the Govt. of India.

8 Gwdw 481

Rules under which convicts are employed in associated labor in the open air at Portland Prison.

1 NUMBER and strength of each party to depend on the nature of the work, but not more than 14 convicts to be placed under one Officer if possible.

2 Previous to going out to labor all parties will be formed up on parade, strict silence being observed; they will be searched, counted, and then marched off in succession by their respective Officers. The chief warder will check the numbers of each party as it leaves the prison.

3 All necessary tools will be deposited in boxes on the works; the distribution of them will be superintended by the Officer of the party, who will likewise see them collected when the prisoners leave off work, and see that they are correct with the inventory in each box.

4 Officers in charge of parties will be held responsible for the safe custody of their prisoners, and will place themselves in such a position that they may command full view of them, and never at any time allow their backs to be turned or their observation drawn off. They will also satisfy themselves, as far as possible, that the prisoners under their charge are not placed in dangerous positions of employment, bringing to the notice of the principal warder of the district any observations they may have to make in this respect; the principal warder will, if he thinks necessary, suspend the work and report to the Governor.

5 The public works will be divided into districts,—each district under the charge of a principal warder, who will see that order and discipline are maintained; that the Officers in charge of parties do their duty, and, in the event of an escape or any unusual occurrence, communicate at once with the prison.

6 Silence will be maintained on marching to and from the prison, and, as far as possible, on the works. No conversation being allowed except that which is necessary in connection with the duties. If a prisoner misconducts himself, the Officer in charge of the party will communicate with the principal warder of the district, who will handcuff the prisoner and send him into the prison without delay.

7 In the event of heavy fogs coming on whilst the prisoners are on the works, obstructing their proper supervision, Officers in charge of parties will at once file their men up and remain stationary until they receive instructions from the Deputy Governor on duty.

8 The Deputy Governor on duty will take general superintendence of the whole of the prisoners on the works, will constantly examine the work-books in possession of the Officers in charge of parties, and see that the prisoners are fairly and properly marked for their work.

9 All work will be measured by the Instructors under the superintendence of the clerk of works, and its value worked out by the latter in accordance with the approved schedule of prices; any work which *cannot possibly* be measured is to be valued as day work. Give general statement as to monthly returns of work and marks.

10 A prisoner reporting himself sick will be sent into the prison and be seen by the Medical Officer, and if found to be feigning to evade labor he will be sent out again, and on return from labor reported to the Governor and punished.

9

1870 1874

From: Under Secretary to the Govt of India

To: Private Secretary

Dated 22nd February

Despatched

Received 3rd March

Answered 4th

Enclosures No.

General No.

No. 382

Section

File No

Serial

Subject: Continuation of Resolution No. 1340 of 28th October 1869, forwards copy of a Despatch from the Secretary of State requesting to be furnished a report on the mortality of prisoners

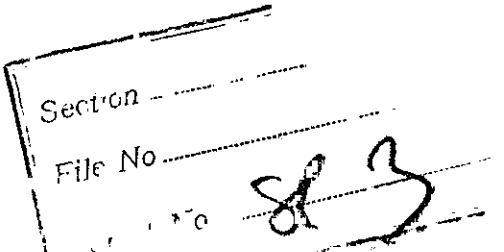
Copy 10

India Office;

London, 11th January 1870.

Judicial,

No. 1.



To His Excellency the Right Hon'ble the GOVERNOR GENERAL of India in Council.

My Lord,—The despatch of your Excellency in Council, dated 16th November, No. 32 of 1869, transmitting copy of a Resolution relative to the disposal in the Indian gaols of convicts sentenced to transportation for a term of years, has been considered by me in Council.

2. The question with which the Resolution of your Lordship in Council deals is one of very great difficulty, and I shall be glad to hear that the plan suggested by your Excellency's Government has been attended with success.

3. I request that you will forward to me at the end of the present year a report showing the rate of mortality amongst the gangs of prisoners employed on extramural labor, as compared with those employed within the gaols.

I have, &.,

ARGYLL.

No. 352

Copy forwarded to the Local Governments and Administrations noted in the margin, in continuation of Resolution No. 1640 dated 28th October 1869. Attention is drawn to paragraph 3 of this despatch.

Government of Madras.	Chief Commr. of Oudh.
" Bombay.	" Central Provs.
" Bengal.	" British Burmah.
" N. W. Provs.	" Mysore & Coorg.
" Punjab.	Resident at Hyderabad.

By Order of the Governor General in Council,

Fort William;
Home Department,
Judicial,
The 22nd February 1870.

Signed . . Under Secy. to the Govt. of India.

From The Offg. Asst. Commr. of Mysore

To The Secretary to the Chief Commr. of Mysore

Dated 11th March 1870

Despatched 14th —

Received 15th —

Enclosures No.

General No. 1776 } 1864/70.

Revenue 1111

Forwarded

Submitting for the orders of the Chief Commissioner the draft rules for the employment of detached gangs of prisoners on large public works when the Jails may be overcrowded.

Dr. A. Cunningham 14/3/70

=

16.3.70 — Forward copy of these Rules to the Offg. Asst. Commr. Mysore.

10/173.70. Sudra

No 293.

N 2416
322

Mysore Judl. Commissioner's Office
Bangalore 11th March 1870.

From.

J. R. Kindersley, Esquire
Offg Judicial Commissioner
of Mysore.

To

Section
File No
Final No

The Secretary to the
Chief Commissioner
of Mysore.

Sir,

From Jour. Board &c. x missing

I do requested in your docket No. 5659 8765 of the 16th ultimo, I have the honor to ~~forward draft rules prepared in conformity~~ with the orders of Government for the employment of detached gangs of prisoners on large public works when the jails of Mysore may be overcrowded. I did not understand from para 16 of the Resolution of Government No. 1610 of the 28th October that such a draft was to be prepared and submitted by this Administration.

2. It seems hardly practicable to carry out the order in Coorg, where the total number of convicts is frequently less than 70. And in Mysore it will seldom be necessary to do so, because, except at Nafoan, the jail accommodation is ample.

I

13

I have the honor to be
Sir
Your most obedient servt
J. K. Henderson
Offg Judicial Commissioner.

Rules for the employment of Convicts in associated labor in the open air at the different jails in the Province of Mysore and Coorg.

In the event of the jails of Mysore becoming overcrowded with prisoners, the Chief Commissioner may sanction the detachment of large gangs of prisoners to be employed on large public works such as the embankments or excavations for roads, tanks, or canals, or the construction of bridges or public buildings.

1. The prisoners to be so detached should be convicts sentenced to rigorous imprisonment for not less than one year, and physically capable of enduring hard labor.

2. The following classes of prisoners should be excluded from such gangs.

1st Women and children

2nd Those sentenced to simple imprisonment.

3rd Those sentenced for less than one year.

4th Those who are physically unfit for hard labor.

5th Desperate characters, and those who have attempted to escape.

3. In the selection of prisoners for such detached gangs it will be necessary that every one of them should be inspected by a medical officer. It will also be desirable

desirable to avoid putting more than two men who have been convicted of one and the same crime.

3. A gang as detached should consist of not less than 150 prisoners. They should be suitably housed near the work in temporary buildings secured with locks and bolts at night. And they should be provided from the jail with suitable clothing including 2 suits for each prisoner with a mat to sleep on. Every prisoner should be securely fettered with light iron chains on his legs. He should also wear leather gaiters to save his legs from the friction of the rings. They will be provided from the jail with the requisite tools, which will be kept at the works.

4. The gang will be provided with a hospital assistant and with medical stores, unless such assistance should be otherwise procurable.

5. The guard will consist of one peon for every four prisoners, with one duffadar for every ten peons, and one jemadar for the whole gang.

6. The prisoners will go to work at 7 A.M. guarded by one peon for every five prisoners and one duffadar for every ten peons, the other peons taking the duty night and day at the huts. The guards should be changed weekly on Monday mornings.

9. The warder attached to the gang will subject to the orders of the foreman or jailer in charge of the party prepare on every Saturday a list of the prisoners for labor during the following week, with a column showing the name of the man to be in charge of every five prisoners.

10. Every Monday morning the foreman will deliver into the custody of each man for duty in the week five prisoners, with a list showing the name of the man with the names of the five prisoners delivered into his custody. Each man will be personally responsible during the week for the safe return of these five prisoners to the lines.

11. The jailer or the foreman in charge of the gang will count the prisoners every morning when they are going to work, and record their number in a book. Every evening the work will be discontinued at 5 o'clock, when the tools will be returned to the store counted by the foreman, and compared with the list. The prisoners will then wash themselves, take their evening meal and be locked up before dusk. At midday the gang will be permitted to rest for one hour, or in the months of March, April and May for two hours. And at such time they may eat any portion of the morning meal which may remain.

The guards will continue to watch the prisoners while they are at rest.

12. The prisoners will be formed into messes of 12 to 20 men with reference to their castes, and a few of the best conducted prisoners of good caste will be appointed to cook for the others, each mess having one cook.

13. Owing to the facilities which are afforded to convicts employed on out-door labour of having intercourse with relatives and others and obtaining prohibited indulgences, the guards are to be enjoined strictly to prevent any person from holding any communication whatever with the prisoners, and are always to report to the jailer when any improper or suspicious communication appears to have taken place, that the party may undergo a strict examination before being shut up in jail for the night. The peons and other jail servants are also to be ordered on pain of dismissal, not to communicate any messages to the prisoners or convey to them any money or articles of luxury or of food, or intoxicating liquors or drugs.

14. Every evening at sunset the whole gang are to be secured with light but strong and well riveted chains. The sentries at each relief are to

examine

examine the state of the locks and ascertain that they are not filed or loosened. The prisoners are to be attached to the chain in such a manner as to enable them to move together with facility in an alarm of fire. Every possible precaution should be taken to prevent so serious an accident as that by fire. No other description of lights should be used except lanterns, which should be under the immediate inspection of the sentry, and always kept closed within the huts.

15. The Officers of the Public Works Department who will have the direction of the labor of the convicts will see that a proper amount of work is apportioned to each party of convicts daily. The labor of the prisoners shall, as much as possible be regulated by task work, the task of each day being at least three fourths of that performed by a free labourer. Any prisoner may be exempted from further work as soon as his daily allotted task is completed. Prisoners contumaciously refusing to work or feigning sick to evade labor, neglecting to perform the tasks assigned to them, or executing them in a slovenly manner, or wilfully spoiling and destroying tools shall be reported and punished. The work performed will be measured weekly and their value fixed according to the estimated rates and the schedule of prices. Any work that cannot

cannot be measured is to be reduced as day work. Returns of work performed should be submitted monthly.

16. No prisoner shall be compelled to work on Sundays except in doing menial offices or works of necessity. Sunday is to be allowed to them and to their guards for the purpose of cleanliness. On every Sunday morning the irons and guard will attend as usual and be mustered. The Jailer will examine every prisoner and see that his irons are secure and clean; that such prisoner in irons has a pair of leather gaiters; that he has his numerical ticket; and that his clothing and bedding are clean and in good order. The native dresser will also examine every prisoner and withdraw such as are sick, weak, or wounded with irons or affected with scurvy for the purpose of admission into hospital. A report of this inspection and of the prisoners removed by the dresser into hospital will be made on every Monday of the week to the Superintendent of the Jail for orders.

17. In the event of cholera or other epidemic appearing amongst the prisoners a report should immediately be made to the Officer in charge of the gang, who will at once visit the gang and either

either order [illegible] removed to some healthy locality or adopt such prompt measures as to him may appear necessary to prevent the spread of the disease.

18. Prisoners affected with any malignant disease should be removed to the Head Jail within 48 hours. The dresser attached to the subsidiary jail should forward a daily report of the state of health of the prisoners to the Superintendent of the Jail.

19. Every outlying gang should be visited by the Officer in charge of the Jail at least once a week when the diet, water supply, cooking, clothing cleanliness, labor, conservancy, sanitary condition of the prisoners and in general every thing connected with jail discipline and the hygiene of the Jail and its inmates will receive his most careful attention. The District Officers will also visit the Jail as often as may be practicable and record such observations in the Jail visitors Book as may appear to them to be called for.

20. In addition to the recommendation for remission of any portion of a prisoner's sentence for any act of meritorious service, as preventing the escape of prisoners, the destruction by fire or

otherwise

otherwise of the prisoner, the saving of his personal risk, of the lives of any of the prisoners or prison officers, and other acts of marked fidelity and good conduct, every prisoner employed in outlying gangs, who has maintained a uniform course of exemplary conduct and performed good work throughout the whole period of his employment on out-door labor, will be brought to the notice of the Judicial Commissioner or Inspector General of Prisons for the orders of Government for a remission of his sentence not exceeding one month for every year of the period during which the prisoner has been so employed.

21. The usual forms of registers should be kept and periodical returns submitted showing the strength, cost of guarding, clothing, dietary and other charges; nature and value of labor; sickness and mortality and other statistical information in connection with each outlying gang, for the purpose of being embodied in the general returns submitted with the annual Jail Administration reports of the Province.

J. K. Henderson

Enclosed in my letter, there is [illegible] of the proposed alteration being required in the case of Coorg, but the Rules might, if deemed necessary, be also made applicable to that Province District

Yours &c

21/3/70.

[illegible]
Offg Chief Comr.

× No. 2616/322 of the 11th March 1870.

21/3

From C. C. Office
Bangalore 21st March/70
No. 6306
309.J

To The Secy to the Govt of India
Foreign Dept.
Calcutta

Sir, In reply to letter No. 269 of the 7th ultimo from the Secy Home Dept., I have the honor to submit copy of a letter from the Offg Judicial Comr of Mysore, with Draft Rules for the employment of Convicts in associated labor in the open air on large Public Works when the Jails may be overcrowded, prepared in accordance with the Resolution, No. 1640 dated the 28th October last, and to state that they appear to me to be suitable, and that I recommend their being sanctioned by Govt for this Province.

2. As explained by Mr.

1870. W 6306/309

I
C 103

From

To The Secretary to the Govt of India
Foreign Deptt Calcutta

Dated 21st March
Despatched 25
Received

Enclosures No. 2

Section ...
No ...
Page ...

General No. 6306 } 18
No. 309 }

In reply to letter No. 269 of the 7th Ultimo, submitting copy of a letter from the Offg Judicial Commissr with draft rules for the employment of convicts not associated & labour in the open air on large Public Works when the Jails may be over crowded

Received 17th August 1870

Judicial 1870 No. 2648
50

From 24

To The Offg Judl. Commissioner in Mysore

Dated 12th August

Despatched

Received 17 Aug

Section C
File No 1
Serial No 5

Enclosures No.

Judicial No. 2648
Judl. No. 50

1876/71.

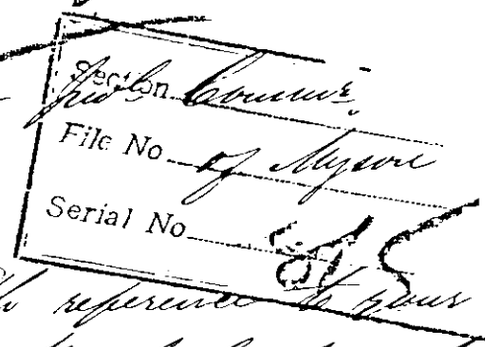
With reference to your letter No. 2446/322 dated 11th March last, requesting to draw up a revised set of Rules relative to the employment of Convicts on Extra-Mural labor, and states that the early construction of a State Railway in Mysore will furnish an opportunity of employing one or more gangs of Prisoners on its works.

No. 2648

Jud 50. 7

No. 6. 6. 66.

25 12 Augt 1870



The Offg Secy to Govt

Sir,

With reference to your letter No. 2416-922 of 7th March last, submitting draft Rules for the employment of Convicts on extra-mural labor, I am directed by the Offg Chief Commr to forward for your information, a letter, No 124 J of 4th instant with its enclosures, from the Govt of India F Foreign Dept, and to request that you will be so good as to draw up a revised set of Rules on the subject, in accordance with the instructions therein conveyed.

2. With reference to the observations in para: 8 of the Proceedings of Govt in the Home Dept No 617 of 31st March 1870, regarding the cost of guarding Gangs employed on extra-mural labor, I am to request that the proposed charge under this head for the Shimoga Jail may be reconsidered.

3- The Offg Chief Commr remarks that the probable early construction of a State Railway in Mysore will furnish an opportunity of employing one or more Gangs of Prisoners on its works;

1. Offg Secy No 1279 of 16th July 1870 from Lt. Col. Bowring
2. Proceedings of Govt No 1632 of 28th October 1869
3. Offg Chief Secy's ... 50 of 7th January 1870
4. Resolution of Govt No 617 of 31st March 1870
5. Letter from Govt of India No 1048 of 15th June 1870
6. Resolution of Govt No 1146-568 of 30th June 1870
7. Abstract of Prison Police Guard Force in Mysore

(* In original to be attached to Govt Letter)

and that the subject therefore requires immediate consideration and settlement in anticipation of such a measure, it being likely that all the Jails in the Province will be required to contribute as many men as are available to ~~make up the Gangs for the~~ Railway Works.

4. In conclusion, I am to express the hope that the revised Rules may be ready by an early date.

I have &c.

12. 8 M.
O.L.

12/8/70.

Guide

1870 No 2791
129

27

To The Secretary to the Govt. of India
Foreign dept.
Calcutta

Dated 20th August

Received 27.

Answered

Enclosures No. 3

Annual No. 2791 } 1870-71
No. 129

Section 71
Fil No 1
Serial No 1

2600
1019

8/2-

Submits for sanction a Proposition statement for the provision & the establishment charged for guarding the Jail at Shimoga.

From

To

No. 2791

No. 129 J.

Chief C. O. Office
Bangalore 20th August 1870.

To,
The Secy to the Govt of India
Foreign Dept

No
Serial No.

Sir,

In the sanction of the Govt of India forwarding herewith, the accompanying Proposition Statement for the remainder of the ~~year~~ Establishment employed on guarding the jail at Shimoga, by which a saving of Rs. 189 monthly is effected, together with Copies of the letter, marginally noted, having reference to the subject, I am the Hon'ble, by desire of the Offg Chief Comm, to explain, for the information of His Exy the Viceroy & Gr Cl, that the arrangements proposed in paras 5 to 8 of Mr. Sinderalay's letter, No. 2479/335 of the 28th March last, was sanctioned at the time in anticipation of the wishes of Govt, but that the submission of the Proposition Statement has been inadvertently overlooked by the Offg Jud. Comm till the present time.

From the Jud. Comm's No. 2479/335 of 28th March 1870.
This Office No. 165/4 of 8th April 1870.
not in the file

2 with reference to the marginal
Enclosure of Lr No 1247-74 dated 8 Govt, Lr No 617 of the 31 December
Govt Home Dept

In para 8 of the proceedings of Govt, Lr No 617 of the 31 December 1870, it is recommended that the wonder might be allowed to employ prisoners employed on other Public works in the Bangalore District on the difficult section of the Country in consideration of the 165 is under consideration.

1 20/ twenty

2 I am to state that the question of how far the Services of Prisoners can profitably be employed

20.8.70 DZ

In the Supreme Court
of the United States
the practice of swearing
a witness to every
fresh statement, which
is important, having
been considered necessary
owing to the character of
the country, but a reduc-
tion in the importance which
he officially, as also con-
siderations, which appear to
be formidable -

TABULAR STATEMENT OF PROPOSITION SUBMITTED BY the Offg Ch

YEARS.	REVENUE.		CHARGES.	
	ORDINARY.	EXTRAORDINARY.	ORDINARY.	EXTRAORDINA
18 .				
18 .				
18 .				

Extract from Department of Government of India.		Office to which the Proposition refers.	NATURE OF CHARGE.							PROPOSIT	
			Present Scale.				Proposed Scale.			PERMANENT.	
										Increase.	Decrease.
No.	Date.		No.	Rs.	As.	P.		Rs.	As.	P.	
			Establishment of Jail Guard				Establishment of Jail Guard				
			1 Jemadar —	20	—	—	1 Jemadar	20	—	—	
			6 Duffadars @ 8	48	—	—	2 Duffadars @ 10	20	—	—	
			28 Rens @ 7 —	196	—	—	25 Rens @ 7	175	—	—	
			35 Rens @ 6 —	210	—	—	Total	215	—	—	
							Fluctuating or Jail Guard				
							1 Duffadar —	10	—	—	
							10 Rens @ 6 —	60	—	—	
							Total	70	—	—	
—	—	Superintendent	Total Rs —	474			Grand Total	285	—	—	259 — —

Nyssa Chief Commissioner
Bhurpahar 20th August 1870.

OFFICE,

Comptr of Inspr

30

	TOTAL.		NET.	
	Revenue.	Charges.	Surplus.	Deficit.

ON.				Orders of the Government of India.		
Temporary.				*Foreign Department.*	*Financial Department.*	
Increase.	Decrease.	Grounds of Proposition.	Local Government's recommendation.	Remarks.	Remarks.	Orders.
		Re Completion of the Jail at Shimoga & Instr. of Direction in the Establishment of Guards hitherto required for the Security of the Prisoners.	Undertaken by the Chief Commr. the Superintendg. Engr. & Secretary of the 1869 Committee.			

30

Inclosure
From Under Secy to the
To Govt of London
Foreign Deptt
Dated 26 August 70
Despatched
Received 3rd September

Enclosures No.

General No. 137 } 1870

Forwarded for
Communication of Govt
Letter No 124 of 31st
August 70 a copy of
the Rules under which
Convicts are employed
in Reformatory labor on
the Public Works at Portland
Prison

Colonial Office
No. 34103
Downing St. 5 Sept. 70

Colonial Office
No. 23 Sept. 70
Downing St. 29 Sept. 70

(Copy) 32

Rules under which Convicts are employed in associate labor in the open air at Portland Prison.

Number and strength of each party to depend on the nature of the work, but not more than 14 Convicts to be placed under one Officer if possible.

Previous to going out to labor all parties will be formed up on parade, strict silence being observed; they will be searched, counted, and then marched off in succession by their respective Officers. The chief warder will check the numbers of each party as it leaves the prison.

All necessary tools will be deposited in boxes on the works; the distribution of them will be as intended by the Officer of the party, who will likewise see them collected when the prisoners leave off work, & see that they are correct with the inventory in each box.

Officers in charge of parties will be held responsible for the safe custody of their prisoners, and will place themselves in such a position that they may command full view of them, and never at any time allow their backs to be turned or their observation drawn off. They will also satisfy themselves, as far as possible, that the prisoners

prisoners under their charge are not placed in dangerous positions of employment, bringing to the notice of the principal warder of the district any observations they may have to make in this respect; the principal warder will, if he thinks necessary, suspend the work and report to the Governor.

The public works will be divided into districts, each district under the charge of a principal warder, who will see that order and discipline are maintained, that the Officers in charge of parties do their duty, and in the event of an escape or any unusual occurrence, communicate at once with the prison.

Silence will be maintained on marching to and from the prison, and, as far as possible, on the works, no conversation being allowed except that which is necessary in connection with the duties. If a prisoner misconducts himself, the Officer in charge of the party will communicate with the principal warder of the district, who will hand cuff the prisoner and send him into the prison without delay.

In the event of any fogs coming on whilst the prisoners are on the works, obstructing their proper supervision, Officers in charge of parties will at once file their men up, and remain stationary until they receive instructions from

from the Deputy Governor on duty.

The Deputy Governor on duty will take genera
superintendence of the whole of the prisoners on the works,
will constantly examine the work books in possession
of the Officers in charge of parties, and see that the prisoners
are fairly and properly marked for their work.

All work will be measured by the instructo
under the superintendence of the clerk of works, and its
value worked out by the latter in accordance with the
approved schedule of prices; any work which cannot
possibly be measured is to be valued as day work. Give
general attention to monthly returns of work and
marks.

A prisoner reporting himself sick will be
sent into the prison, and be seen by the Medical Officer,
and, if found to be feigning to evade labor, he will be
sent out again, and on return from labor reported to
the Governor and punished.

Section
File No
Serial No 47

No 137 I.

Copy of the above forwarded to the
Officiating Asst Commissioner of Mysore, with
reference to the letter from this Office, dated the 4th

of

of August 1870, No. 124 J. 35

Simla
Foreign Deptt.
Judicial
the 26th August
1870

By order, &c.

H. L. Dampier
Under Secretary to the
Government of India

No 148

1871

From J. B. Saunders Esquire
Officiating Judicial Commissioner

To The Secretary to the Government of Mysore
Chief Commissioner of Mysore

Dated Bangalore 14th September 1870.

Section
Despatched 12-21
Received 21
May 23

Enclosures No.

Entered No. 1087

No. 1672

1870/71.

With reference to this docket
No. 2648 of the 19th Ultimo, subm-
mitting revised rules for the
employment of prisoners on
extramural labour.

No. 1081.
167.

Mysore Judicial Commissioner's Off.
Bangalore 17th September 1870.

From

J. R. Kindersley Esquire
Off. Judicial Commissioner
of Mysore

The Secretary to the
Chief Commissioner of Mysore

Sir,

With reference to your Secret. letter dated the 12th Ultimo No. 2644/50, I have the honor to submit rules for the employment of prisoners on extramural labour amended in accordance with the instructions received from Government.

I have the honor to be
Sir,
Your Most Obedt. Servant
J. R. Kindersley
Off. Judicial Commissioner

EHL

38

Rules for the employment of convicts on extramural labor in the Province of Mysore and Coorg.

Con-Cl-No 651 C

Selection of locality for temporary Jail.

Gangs of Prisoners to be employed on extramural labor will be accommodated in temporary jails at places where large Public works are being carried on.

2. No temporary jail shall be established till it is ascertained from the Department of Public Works.

Prisons - Para 3 -

1st That a gang of at least 300 Prisoners can be employed on the work for a period of two years, or upwards.

2nd That the work is of such a Kind that Prisoners can be usefully employed upon it.

3rd That it will not be necessary to associate Prisoners with free laborers.

4th That the Prisoners can be employed in a body and that it will not be necessary to scatter them into numerous detached gangs over a large space.

3. On a report being made that these conditions can be complied with the Chief Commissioner

Commissioner may direct that a temporary Jail be constructed according to plans and estimate approved of by the Department of Public Works, and the Judicial Commissioner.

4. In selecting the site for the erection of the temporary jail which should be approved of by competent medical authority the strictest attention should be paid to the healthiness of the locality, supply of pure water, and other conveniences.

Selection of Prisoners for employment on extramural labor.

5. Prisoners to be employed on extramural labor should be those sentenced to rigorous imprisonment of not less than one year, and who are in good health, physically strong, and capable of undergoing hard bodily labor.

6. Along with every gang despatched from any jail, a certificate signed by the medical officer in charge of the jail, is to be forwarded to the officer in charge of the temporary jail, to the effect that the prisoners have been individually examined by him and are in his opinion capable of enduring hard labor.

Supervision and ~~Management~~

Wherever a temporary jail is establish-
ed it shall be placed under the executive charge
of a European or Eurasian Officer specially selec-
ted for the above duty.

8. The scale of establishment for a tem-
porary jail of 300 prisoners shall be as follows.

"Fixed establishment"

1	European or Eurasian Superintendent	150	
1	——— " ——— " Assistant	50	
2	Native Clerks at Rupees 20 each	40	
12	Orderlies at Rupees 6 each	12	252
	Hospital Establishment		
1	Native Dresser	35	
1	Compounder	8	43
	Contingent guard.		
1	Jamadar	20	
2	Duffadars, 12 each	24	
20	Peons at 8	160	204
			499

9. A military guard of Barr sepoys or
police of sufficient strength will also be detach-
ed, in consultation with the Military Assist-
ant to the Chief Commissioner or Superintendent of Police, to guard the
prisoners.

Govt Rules & Regs 8. 3rd Edn. Paragraphs Rules. Sec. 191 Rule 1.

In the above Remarks Govt would seem to consider 1800 Rs. quite ample for 300 prisoners as per above.

The Secretary would make the charge for 100 prisoners only 166 Rs. 3 As. 4 Ps. & this will have to be doubled in each of the above cases (Military) & the whole increased to the above figure which does not include the above 1833 "

Mr. Gray for 500 prisoners gives 1236 Rs. but this includes Police Guard there stated at Barr Guard & which is not entered deducting this item then Mr. Gray's scale for 500 prisoners would amount to Rs. 843, and for 300 prisoners = Rs. 505-8-0 which is more than double the above figure

10. The Officer in Executive charge of the jail, with the establishment under him shall have the entire management of the Prisoners, and will be responsible for the carrying out of all the rules which have already been and may hereafter be sanctioned relative to the dieting of the Prisoners, the Provision of clothing and bedding the enforcement of discipline, the exaction of labor, and the Proper Keeping of the jail records.

11. It will also be the duty of the Officer in Executive charge to see that thorough cleanliness is enforced, not only within the temporary jail, but also at and in the neighbourhood of the works on which the Prisoners are employed. The utmost care should be taken that the water supplied to the jail is of good quality and that neither the Prisoners nor others are allowed to taint the source from which it is obtained.

12. Every outlying gang should be visited at least once a week by the medical Officer in charge of the District Jail, or the nearest civil Surgeon of the District, who will see that the dietary, water supply, clothing, cleanliness, conservancy, sanitary condition and in short every thing connected with the hygiene of the jail and

ito inmates are strictly observed; and will point out to the Officer in charge any defective arrangements. The District Officers will also visit the jail as often as may be practicable and record such observations in the Jail Visitors Book as may appear to them to be called for

13. The Prisoners are not to be allowed to be associated with free laborers in any description of work. There will therefore be but little risk of infectious disease being directly communicated by the free population. But as infectious disease may be communicated to them indirectly, it will be the duty of the Officer in charge of the jail to report at once the occurrence of any case of sickness of this nature and to cause all necessary measures and precautions to be adopted to prevent the spread of the contagion:

14. Conservancy arrangements should be carefully looked after and no laxity in them should be allowed. Two or three Privies should always be erected close to the place where the Prisoners are employed which should be kept scrupulously clean. The dry earth system should be strictly carried out.

15. The Prisoners will commence work at 7 A.m. and give up at 5 P.m. At mid day they will be permitted to rest for one hour, or in the months of March, April, and May for two hours, and at such time they may eat any portion of the morning meal that may remain. The guards will continue to watch the Prisoners while they are at rest.

16. Previous to going out to labor all Parties will be formed upon Parade, strict silence being observed, they will be searched, counted and then marched off in succession by their respective officers. The Officer in Executive charge or his Assistant will check the numbers of each Party as it leaves the Prison.

17. Silence will be maintained on marching to and from the Prison, and as far as Posible on the works; no conversation being allowed except that which is necessary in connection with the duties. If a Prisoner misconducts himself the Officer in charge of the Party will communicate with the Principal Warder of the District, who will handcuff the Prisoner without delay.

18. All necessary tools will be deposited in boxes on the works; the distribution

'the Officer in Executive' or his Assistant' the terms used in Rule 16 for "Chief Warder" or Commandant of Prison" as represented here. See Instruction Book a. Rule No. 3.

of them will be superintended by the Officer of the Party, who will likewise see them collected when the Prisoners leave off work, and see that they correspond with the inventory in each box.

19. Officers in charge of Parties will be held responsible for the safe custody of their Prisoners and will place themselves in such a position that they may command full view of them, and never at any time allow their backs to be turned or their observation drawn off.

20. The Public works will be divided into districts, each district under the charge of a Principal warder, who will see that order, and discipline are maintained; that the Officers in charge of Parties do their duty, and, in the event of an escape or any unusual occurrence, communicate at once with the Officer in charge of the Jail.

21. In the event of a heavy storm coming on whilst the Prisoners are on the works obstructing their proper supervision, Officers in charge of Parties will at once file their men up and remain stationary until they receive instructions from the Officer in charge of the Jail.

22. The Officer in charge of the Jail will

tasks

take general superintendence of the whole of the Prisoners on the works, will constantly examine the work books in possession of the Officers in charge of parties, and see that the Prisoners are fairly and properly marked for their work. Prisoners will generally be employed in digging and carrying earth to, raising embankments, excavating canals, making bricks or in other kinds of unskilled labor. The amount of work of this description performed by an ablebodied Prisoner should be not less than three fourths of that performed by a free coolie.

23. In the execution of Public works the ~~convict Department~~ should stand to the Department of the Public works precisely in the position of contractors. The Executive Engineer or Department of Public Works Officer at the head of the work will give precise instructions and specifications regarding the work to be executed to the Officer in charge of the Jail who will have the power without being interfered with to carry out the work in the manner best fitted for the discipline of the convicts. The value of the labor performed should be ascertained as nearly as possible as if it had been performed by contractors, and should be charged for accordingly

accordingly. No actual cash transactions need be involved.

24. All the menial duties of the Jail will be performed by the Prisoners. A certain number will be told off, as cooks sweepers, tasties, and for grinding sugee required for Prison use

25. The Prisoners will be formed into messes of 12 to 20 men with reference to their castes and a few of the best conducted Prisoners of good caste will be appointed to cook for the others, each mess having one cook.

26. No Prisoner shall be compelled to work on Sundays except in doing menial offices or works of necesity. Sunday is to be allowed to them and to their guards for the purpose of cleanliness. On every Sunday morning the irons and guard will attend as usual and be mustered. Every Prisoner will be examined to see that his irons are secure and clean, that each Prisoner in irons has a pair of leather gaiters; that he has his numerical ticket; and that his clothing and bedding are clean and in good order. The native dresser will also examine every Prisoner and withdraw such as are sick, weak or wounded with irons for the purpose

of admission into Hospital. 47

Rewards and Punishments

27. In order to hold out an inducement to Prisoners employed on extramural labor to behave well and to be industrious, a system of rewards and punishments will be introduced.

28. The time of imprisonment of all long term convicts of two years and upwards will be divided into three stages.

1 Penal

2. Industrial

3. Advanced or Intermediate.

The 1st will be simply punitive. In the 2nd the convict will make reparation for his crime by his industry and be allowed in consideration thereof to earn a remission of a portion of his sentence as well as a gratuity. The 3rd stage will be made Preparatory for his return to liberty as much as can be.

29. The Penal Period of a Prisoner's imprisonment shall not be less than one month for every years sentence. During this stage he will be Kept at hard penal labor in the ordinary jails and his circum-

stances

=cumstances generally made punitive. On the expiration of this term he will, if his conduct be satisfactory, enter the industrial stage when he will be considered eligible for extramural labor and will be permitted to earn a remission of his sentence, as well as a gratuity by means of marks indicating his daily industry and conduct.

30. With this view a register will be opened and every prisoner who has performed a certain allotted work, which will be estimated at 3/4 of that of a free laborer, will be entitled to one mark a day and for every ten such marks consecutively gained he will have earned one day's remission of his sentence. For extra industry a proportionate fraction of a mark will be given (as 1/4 or 1/2) but not to exceed 1/2. For any deficiency not attributable to idleness or neglect but to some excusable cause a proportionate fraction will be de=ducted to the extent of 1/2. Where idleness or neglect of work has been detected a bad con=duct mark will be given. One bad conduct mark will cancel 10 good ones.

31. The industrial stage will be divided in two periods. The first will embrace the time in which the prisoner will have earned the maximum remission of one twelfth of his sen=tence. During this period the marks will count

count for remission only. The 2nd will continue until he has earned the whole of the sanctioned remission or one sixth of his sentence and in this second period the marks will reckon for ~~remission~~ gratuity as well for remission. The money value of gratuity every 10 marks will be one anna. Warders, work-overseers, head cooks, monitors will be selected, while in this latter period, from among the best behaved prisoners; when so employed the money value of their marks will be doubled.

32. Should a prisoner, gain his full remission before the time at which he could be released expires, he will enter into the advanced ~~or intermediate~~ stage. In this stage he will be divested of his irons, exempted as much as possible from prison discipline, and permitted other indulgences according to the good behaviour, Zeal, and industry he will continue to display. The money value of his marks in this stage will be two annas for every ten marks.

33. Men sick in Hospital will be permitted to count one mark a day for the first ten days, and after that 1/2 a mark until they are well. Should their sickness be the result of accident in performing duty, they will be allowed to count one mark a day

day during the whole time of illness.

34. Recommitted Prisoners will be detained in the Penal stage for two months for every years sentence. for the first time of recommitment; three months for every years sentence for the 2nd, and 4 months for every years sentence for the 3rd time, and so on. In the industrial stage they will count for the 1st recommitment one day for every 15 marks, for the 2nd 1 day for every 20 marks, and for the 3rd 1 day for every 30 marks for release. No money gratuity will be earned by them until they have gained the full Period of their remission. They will not be placed in the advanced stage.

35. Life Prisoners will be treated as others in respect of marks for remission as well as gratuity and their cases reported upon at the expiration of 21 years.

36. Prisoners offending against the rules laid down for the breach of jail discipline will not only be subject to punishment under the rules, but will receive such a number of bad conduct marks as the Officer in charge of the Jail may think Proper to impose.

37. Any Person who escapes or attempts to escape from custody or who commits any grave offence punishable under the Penal Code will not only be subject to such additional im-

Prisonment

-prisonment as may be awarded upon him but will forfeit any remission of sentence he may have gained, and will be remanded to an ordinary jail, there to undergo, in the Penal stage, his full term of imprisonment, without the hope of any remission being ever after granted to him

Distinction marks or badges.

38. During the Penal stage the convict will wear a blue patch on the side of his cap. In the Industrial stage, one red stripe on his right arm during the first period, and two stripes in the second period.

39. In the advanced or intermediate stage, he will wear a neat dress similar to a free working man. Warders, Work-overseers, &c. will wear distinctive badges.

40. The greatest care and attention should be paid in awarding the marks so that they may be a truthful and trustworthy record of the convicts conduct, and that they may be a surety that the remission has been fairly earned.

41. Registers of marks to be kept according to prescribed forms.

42. The daily number will be added up every month and entered in the book for

for the purpose, shewing the number of days and money gained. The result will be made known once a quarter to the prisoners, and entered on his ticket to be kept in his own possession.

11.10.70 -

Copy to the case.
Judge suspend
for transmission
of Dist. Engr. as
directed in para
2 of M.124 J. with
the statement that
they have been
framed by the
Dist. Engr. after
full consideration
of the instructions
issued on the subject
& that they
recommend that

they be sanctioned
& the adoption
in Mysore & Coorg
O.K.

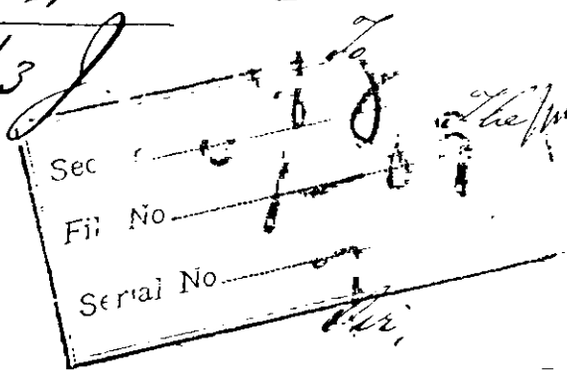
No. 3614

163

54

"Judicial"

No. 666
12th Oct. 1870



The Secretary to the
Govt. of India
Foreign Dept.

Sir,

With reference
your letter, No. 124 J of the 4th
Augt. 1870, forwarding copy of a Memo-
randum containing the remarks
of the Home Dept. on the
Rules proposed for the employ-
ment of Convicts on extra-
mural Labor, & requesting
that they may be remodelled
in conformity with the sug-
gestions of that Dept., I am
directed to forward, for the
approval of H.E. the Viceroy
and Governor General in Council,
a revised set of Rules, which
have been framed by the
Judl. Commr., after full
consideration of the instructions
and views received on the
subject; and to state that
the Chief Commr. recom-
mends that they may
be sanctioned for adoption
in Mysore and Coorg.

I have &c.

R. W

12/10/70.

Offg Secy

Inclo. No. 3614
1870. No. 3614
163

To
The Secretary of State
for India in Council
Foreign Department
Berlin.

Dated 12th
Sept. 1870 } Rec'd 15th October

Sir,

I have the honor to transmit herewith
Duplicate for approval
Translation of a Report
from the Consul at Berlin
on the Pamphlet mentioned
in the accompanied Extract
from the Times of 7th September
1870.

I have &c.
Odo Russell
Ambassador

Extract from the Times of 7th September 1870.

Translation of a Report from the Consul at Berlin on the Pamphlet mentioned in the accompanied Extract from the Times of 7th September 1870.

Odo Russell
Ambassador

Dated 12th Sept. 1870 } Rec'd 15th October

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I have the honor to transmit herewith
Duplicate for approval
Translation of a Report
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on the Pamphlet mentioned
in the accompanied Extract
from the Times of 7th September
1870.

I have &c.
Odo Russell
Ambassador

To
The Secretary of State
for India in Council
Foreign Department
Berlin.

163

No 304

IC 94

56

From 1870

The British Secretary to the Govt of India

To Foreign Department

Fort William

Dated 9 December 70

Despatched

Received 19th Dec

Section 53

No 1

Serial No 1

Enclosures No.

General No. 303

No. 18 of 71

No. 3614/163

12 Enclosures to Despatch forwarding for approval revised Rules for the Classification of Convicts and by transfer of Labor regulating the employment on two points therein mentioned

No. 203 J. 57

From

H. Le Poer Wynne, Esq.,
Under Secretary to the Government of India.

To

Colonel C. J. Meade, C.S.I.,
Chief Commissioner of Mysore.
Fort William the 9th December 1870.

Section VII
File No 1-63
Serial No 6
D

Sir,

In reply to your No. 3614-163 J., dated 12th October 1870, forwarding, for approval, revised rules for the employment of convicts on extramural labour, I am desired to point out, with reference to the marginal Extract from Rule 31, first, that the wording as it now stands is not quite intelligible; secondly, that in paragraph 24 of the Resolution in the Home Department, No. 1146-56, dated 30th June last

* "The 2/3 will be entitled he has earned the whole of the sanctioned diminution, or one-sixth of his sentence, wherein his marks will reckon for remission as well for gratuity" (sic)

Enclosure 5 for Jan 6
Jn 1247 of 24th Aug 1870.
to Chief Comm Mysore

last, it was laid down as a rule that the remission should not exceed 1/12th of the sentence, except in the case of convict guards and work overseers, who might be given a remission of 1/6th.

2. On receipt of an explanation on these points, the rules will be finally taken into consideration of His Excellency the Viceroy and Governor General in Council.

3. Regarding their application to the Province of Coorg, it will, I am to observe, be most convenient for you to communicate with the Government of India in the Home Department.

I have the honor to be,

Sir,

Your most obed.t Servant

H. Le Bas Wynne

Under Secretary to the Govt. of India.

Fort William,
The 9th Dec.r 70.

23.12.70 –

Re a reference to the publication of the text of Rule 31 referred to in correctly given & printed in the original Rules a copy of the bill amending the text to be sent to Lord Co. S. with a request that the remarks regarding the time may be considered & an amended Rule submitted

19.12.70

The Rules of the Court must be set down as

Yr.

Secretary.

Mr Rabbin
21/12/70.

Submitted 21/12/70

Rules Committee Office — Court of Session
Parliament House, Edinburgh EH1 1RQ
Telephone 031-225 2595

Genl. 5015
Just 115.

60

No. 6. 6. 6.

Camp Sookhrawas 24th Dec 1870

The Offg Secy to Govt

Section
File No 1181,
Enclosure

With reference to your letter No. 1081/167 of 17th ultimo, forwarding revised Rules for the employment of convicts on extra-mural labor, I am directed to forward for your perusal the accompanying copy of a letter No. 203 J/79 dated 23rd instant from the Govt of India in the Foreign Dept. and to request that the remarks therein made regarding Rule 31 may be considered, and an amended Rule submitted.

I have &c

23/12/70.

24.12.

Offg Secy

1870 No 5015
115

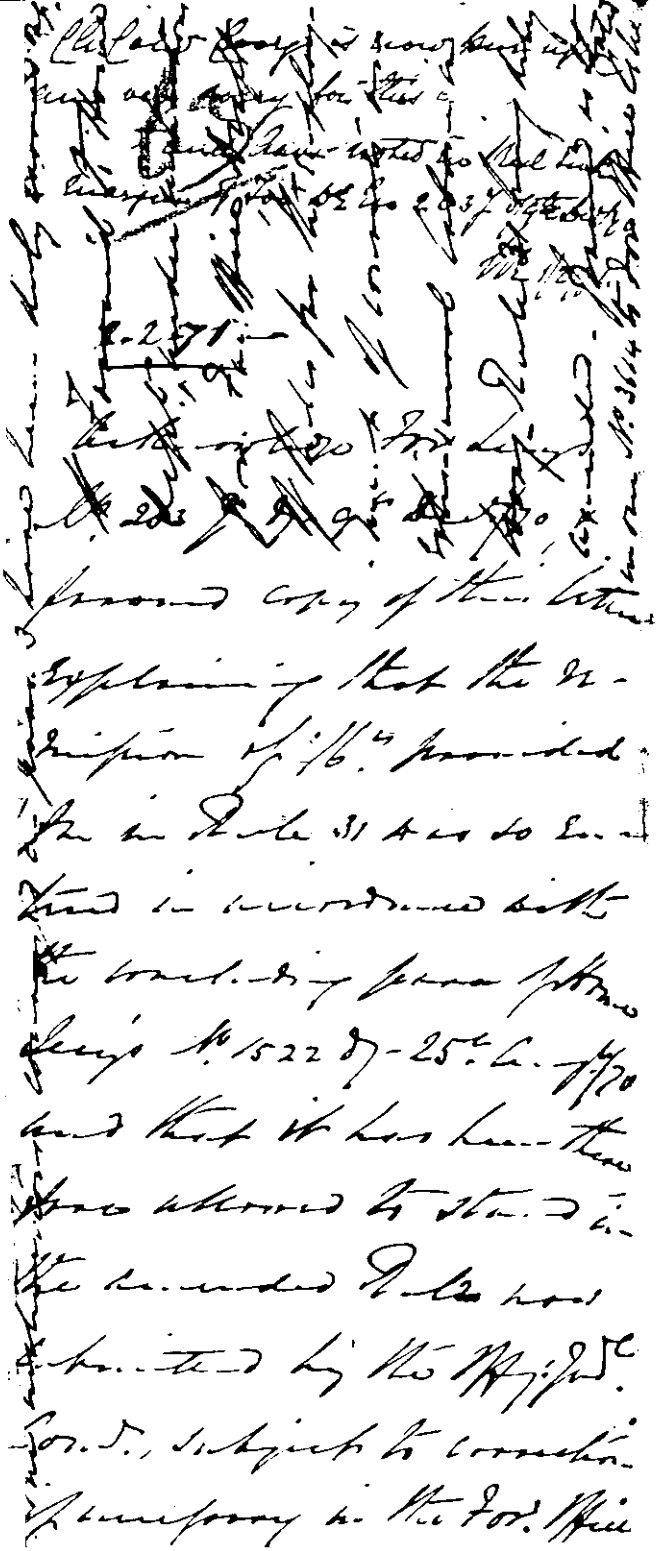
To The Judicial Commissioner
of Lucknow

Date 24 December 70
Dated 29 Dec 70

Recd 31 Dec 70

Forwarding Letter

In reference to letter
No 1081 of 17th Septr Last
I am directed to forward copy of letter from the Govt of India Revy & Comrce Deptt and request that the remarks therein made may be considered and an answer Rule submitted -



Enclosed Copy of the Letter explaining that the Requisition for £16. forwarded from Perth 31st ult. to Edinburgh is recommended with the usual Warrant from Home Office dated No. 522 of 25th Inst. and that it has been thought advisable to stop the Issue of the recommended Order hereon until further instructed by Your Majesty's Secretary of State for Scotland, subject to consideration of any Memorial in the Post Office

Bill

with it, such
in lieu of them
a list of names
Letters have been
forwarded

Have the honour
to be
Your Majesty's
Most Obedient
Humble Servants

D. L.

In Pursuance of Your Majesty's Warrant No 1146 of 30th June 1870 of Foot in the Name of Despatch is an Enclosure to Your Despatch No 124 of 4th Augt 1870. in Bundle No 1522 of 25th Augt 1870 from

1870 71 No. 255

From the Offg. Secl. Commissioner of Fellyeore
To The Secretary to the
Chief Commissioner of Fellyeore
Dated 18th January 1871
Despatched 19
Received 23
Subject Enclosures No.
Serial No. 1866 } 1871
No. 276 } 71

In reply to the secretary's No. 3015 / 115 dated the 24th ultimo submitting an amended rule to be substituted for rule 31 of the revised rules for the employment of convicts on extramural labour.

References.

21.1.

Submitted 26/1/71.

Ch. Comr. 27.1.

20.1.71.

Respecting the disposal of the Govt. Resolution of Govt. of India in Home Dept. No 1146/56 dy. 30th June/70 and 2 Letters No 1522 dy. 25th Augt/70 from Home Dept. -

Have letters been received in the Enclosed comm: Office from Home Dept

№ 1846
278

Mysore Judl. Commissioners Off
Bangalore 18th January 1871. –

From,

Major J. A. Campbell
Offg. Judl. Commissioner of Mysore

To,

The Secretary to the
Chief Commissioner of, Mysore.

Section
File No.
Serial No. 812

Sir,

In reply to your letter № 5015/115 of the 24th ultimo, I have the honour to request that the following may be substituted for Rule 31, of the Revised Rules for the employment of convicts on extramural labor, as it at present stands. –

Rule 31. – "The industrial stage will be divided into two periods. The first will embrace the time in which the prisoner will have the opportunity of earning a remission of one-fifth of his sentence. During this period the marks will count for remission only. The second will continue until he has earned the whole of the sanctioned remission or one-sixth of his sentence, and in this second period the marks will reckon for

for gratuity as well as for remission. The
"money) value of every 10 marks will be
"one annia.- Warders, work overseers, head
"cooks, monitors will be selected, while
"in this latter period, from among the
"best behaved prisoners, when so employed
"the money value of their marks will be
"doubled.-

2. The remission of one-sixth mentioned above as "sanctioned", has reference to the concession granted to extra-mural gangs in the Punjab, and made applicable throughout India by the terms of letter No 1522 dated 25th August 1870 from the Secretary to the Government of India, Home Department, a copy of which was received with do-Memt No 3847/5 of the 2d September 1870 from the Secretary to the Chief Commissioner of Coorg.-

I have the honour to be
Sir
Your most obed't Servant

Offg: Jud: Commissioner

Judicial
Financial

1871

W 5043
255

To the Under-Secy. to Govt. of India
Foreign & Political Dept.

Dated 5th February Calcutta

Rd (Sachall) 10

Recorded No 1-63

Enclosures No. 1

General No. 564-3 } 1-
No. 255 J } 18.70-71.

In reply to letter No. 2055 dated 9th December 1870, enclosing an explanation on the subject of the Rules proposed for the employment of Munsifs on extramural duties.

Transmitted 8th May 1871

General No. 3643
255 J } 1870-71.

17

M. G. G. O.

Coonghul 5th February 1871.

To,

The Under Secretary to the
Government of India
Foreign Department.

Serial No. 61

In reply to your letter No. 203 J dated 9th December 1870, on the subject of the Rules proposed for the employment of Convicts on extramural labor, I am directed by the Chief Commr. of Mysore to forward, for submission to H.E. the V.P.G. in Council the accompanying copy of a letter, No. 1846/278 of 18th ultimo, from the Offg. Judicial Commr., suggesting an amended Rule to be substituted for Rule 31; and to explain that the remission of one-sixth of the whole term of sentence provided for in this Rule was so ordered in accordance with the concluding para of letter No. 1522 of 25th August 1870 from the Govt. of India, Home dept.; and that it has been, therefore, allowed to stand in the amended

Rule

68

Rule, subject to correction, if necessary in the Foreign Office.

2. I am to add that the instructions conveyed in para 3 of your letter relative to the Home dep[t]: being addressed on the subject of the application of the Rules in question to Loong-hae have been duly carried out.

I have &c.

E. B.

Offg: Secretary

4/2/71.

9

6-94

67

Room Deptt. 1871 R 4574 No 184

From The Under Secy of State Govt of India

To

Dated 29th March

Despatched

Received 5th April

Reg'd 12th "

Enclosures No.

Home Deptt.

Section 77

Genl No. 2273 1871

File No. 1

Serial No. 14

No.

Acknowledges the receipt of letter dated 25th/100 5th Feb/71 transmitting certain Rules and approves the rest of the Draft Rules &c regulating the employment of Convicts within certain municipal limits by order of Govr in Council.

No. 473 70

From

W. W. Hunter Esquire L.L.D.

Offg Under Secy to the Govt of India

To

The Chief Commissioner of

Mysore and Coorg

Section
File No
Serial No 1.14

Fort William the 29 March 1871.

Home Department
Judicial.

Sir

I am directed to acknowledge the receipt of your Secy's letter No. 75-8/100 dated the 5th ultimo, submitting draft rules for regulating the employment of Convicts on extra mural labor in Mysore and Coorg.

2. In reply I am to observe that as a rule gangs of prisoners of less than 500 should not be employed on extra mural labor though 300 may be allowed in urgent cases.

3. The rules however do not

show the exact ratio in which marks for good conduct are to be estimated and credited to each prisoner.

4. Subject to these remarks the draft rules submitted by you are approved by the Governor General in Council.

I have the honor to be
Sir
Your most obed[t] Servant
[illegible]
Offg Under Secy to the Govt of India

Fort
From

1871. No 443
16

To The Jud: Commissioner
Mysore.

Dated 27
Despatched 28 April 1871.
Received

Enclosures No.

Serial No General No. 443
Jud: No. 16 1871/72.

In reply to his No. 735/66
the Inclosed conveys
the Chief Commissioner
observations on his pro-
posals for the employ-
ment of Convicts on
Extra-Annual labor.

Secretary

Jud 16 / 443 / 1871/72

H. C. C. Office
Bangalore 27th April 1871

To,

The Judicial Commissioner
S. [illegible] in Mysore

Sir,

In reply to your Letter No 715/16 of the 17th instant I am directed to state that the Rules proposed for the employment of Convicts on Extra-mural labor and accepted by the Govt of India, are understood by the Chief Commr to refer to the employment of large gangs of Convicts on Extra-Mural works, and not to the utilization of the labor of small parties on a certain class of local works in the immediate neighbourhood of a Jail — as has been always customary in respect of the Jails in this Province — some of which, except Bangalore, contain a sufficient number of Convicts to furnish a gang of the minimum strength specified in Para 2 of the Home Secretary's Letter No 473 of the 29th March 1871.

2. The Rules do not require for utilizing the labor of all the prisoners within the walls of most of the Jails of the Province, and the Chief Commr should be sorry to interdict the employment of those whose services cannot be turned to account in Jail, on any useful local work in the immediate neighbourhood.

3. I am to add that the Chief Comptr. considers that 74 should be considered a question for the consideration of the Local Govt, and that, with reference to para 4 of your letter under reply, he will be obliged by your kindly stating your views on the subject as proposed therein.

Yours &c

A.C.

26/4/71.

No. 40

1871

From The Under Secretary to the Govt of India Foreign Dept

To

Dated 8th May

Despatched

Received 15

Enclosures No.

General No.

No.

Under the explanation submitted under the 5th February 1871 Copy of correction to the Rules proposed for the employment of Convicts on extra mural labor in Mysore.

Copy of Govt Order that the Rules with the printed in the Mysore Gazette.

Fair copy the Rules / Rule 31 in Urdu / 4 Copies of Mysore Gazette Nos containing the printed Rules

Mr. de Cetin 1875 by 12 Sept

No. 72 J. 76

From

H. Le Poer Wynne, Esq.,
Under Secretary to the Govt. of India.

To

Colonel R. J. Meade, C. S. I.
Chief Commissioner of Mysore.
Dated Simla, the 8th May 1871.

Section
File No
Serial No 76

Foreign Departt.
Judicial.

Sir,

With reference to your Officiating Secretary's letter dated the 5th of February 1871, No. 5643/255 J., I am directed to state that, under the explanation now given and with the modification now made in the wording of rule 31, His Excellency the Viceroy and Governor General in Council is pleased to sanction the revised rules proposed for the employment of convicts on extramural labor in Mysore, which were submitted with your Officiating Secretary's letter No. 3614/163 J. dated the 12th of October 1870.

I have the honor to be,
Sir
Your most obedient servant

H. Le Poer Wynne

Under Secretary to the Govt. of India.

1 / C-102

Judicial 1871. No. 1236 / 5

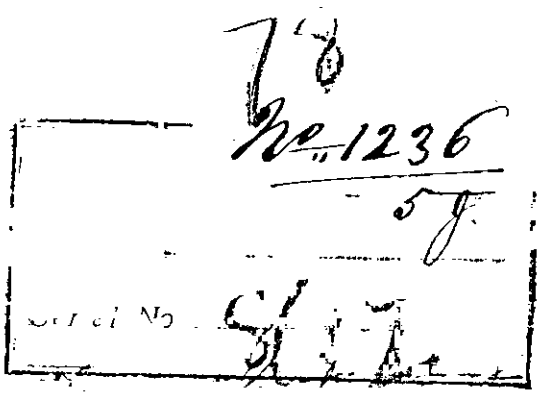
To The Secy to the Govt of Indra
Home Dept
Simla

Dated 10th Dcsps } June

No. 1236 / 5 J.

Secret / Execto. 1.

Submits a Statement shewing the mortality among the Prisoners employed on extra mural labor as compared with those employed within the jails of the Mysore and Coorg Provinces during the Year 1870.



No. 1236

5 J.

H. C. Com Office
16th June 1871.

To Secretary of G
Home Dept
Simla

Sir with reference to the
~~Para 3 of~~ instructions
contained in Para 3 of the
despatch from the Secretary
of State for India, dated the
11 Jan 1870 forwarding to the
Chief Commr of Mysore
a Copy, & ~~forwarded~~ directed
the Chief Commr to take
steps to ascertain
during the Present Famine
in Salem what Public Works
are carried on by Private
Persons with a view to
ascertain whether the Jail &
the Mysore & Coorg Pioneers
during the Year 1870.

No 43

1871-72

Claim

From the Offg Asst Commissioner
of Mysore
The Secretary to the
Chief Commissioner

Section 1 15
File No 1 15
Serial No 1 17

Dated 9.
Despatched 10 August 1871
Received 11th
Enclosures No.
Serial No. 915
No. 110 } 1871-72

23/8. Reports that
under the provisions
Statement of the Public
Works Department
Commissioner to the
Employment
of Gangs of Convicts
on Sundry Minor
Works Strength
employed by Sub Jails
Extra Annual Labour

Referring to his No
of the 29th April
and requests certain pa
particulars with regard to
the employment of Jail
Gangs on Extramural
Labour and the strength
of guard over prisoners
employed

By Return No
which the Asst is
to forward to the
Govt

any employed
in the latter the
Duke of Thatsoever
first appointed by
, & the title of Comm
Dunmore in Virginia
and the Governor
Captain under the
Crown Pay of
short letter from
In one employed
in Lord Stirling
in the neighbour
hood of Perth Amboy
Autumn — The
Rules he is to obey
are, the Governor

No. 915
110

Mysore Judl. Commissioners Office
Bangalore 9th August 1871.

From

R. L. Morgan Esquire
Offg Judicial Commissioner
of Mysore

To

The Secretary to the Chief Commissioner
of Mysore.

Sir,

With reference to your letter No. 1463 dated the 27th of April last, I have the honor to state that after communication with the Superintendents of Divisions and the Superintendent of the Central Jail I have ascertained that there is no immediate probability of large gangs of prisoners being available for employment on extra mural labor in connection with large public works under the rules sanctioned by the Government of India and published in the Local Gazette of the 3rd June last.

2. These rules will therefore remain in abeyance and the present system under which small gangs of prisoners are employed on extramural labor will be continued. As regards

the provisions of these Rules which relate to the Rewards to be held out as an inducement to prisoners employed on extramural labor to behave well, I quite concur with the opinion expressed by Dr Henderson in his Administration Report of the Central Jail for the past year, that the time has not yet arrived for the introduction of any system of marks in accordance with which convicts should be permitted to earn a remission of a portion of their sentence. Indeed, I entertain considerable doubt whether it would be advisable to introduce at any time any fixed system which would enable convicts to work out a remission of sentence, and to look forward to such remission as a matter of right and certainty. I would therefore recommend that no change should be introduced in the system which I find has been hitherto followed of granting remissions of sentence only in very special cases of an exceptional nature when strongly recommended by Officers in charge of Jails, and that each such case in which remission is recommended should be dealt with on its own merits.

3. On the other hand I am of opinion that a general system may be advantageously introduced in all the large Jails of the Province

and in the Jail at Peregaum for the purpose of enabling convicts to earn a small gratuity not exceeding Rupees five, to be made over to them on the expiration of their sentences. Such a system has been already introduced into the Central Jail and has been found to work well, vide page 19 of Dr. Henderson's Report for last year.

4. The Rules on this subject which have been incorporated in the Code relating to the employment of convicts on extramural labor appear to me to be scarcely applicable to existing conditions and are further wanting in an important particular as pointed out in para 3 of letter No. 473 dated 29th March last from the Government of India. If the Chief Commissioner approves of my proposal to introduce generally a mark system entitling convicts to earn gratuities, I shall be prepared to draw up and submit for his approval a revised Code of Rules for general adoption.

5. As regards the strength of the Guard to be detailed for the purpose of controlling and supervising prisoners engaged on extramural labor under the present system as alluded to in letter No. 159 J. dated 7th October last from the Government of India Judicial

Department and your Memo No. 23 dated the 1st inst. of April last, the Superintendent of Hugar Reports that it will not be expedient to reduce the strength of the guard at present detailed for supervising and watching prisoners extramurally employed viz 1 Peon for every 5 prisoners and 1 Duffadar for every 10 peons and that the present scale of guard is very necessary. The other Superintendents whom I have consulted, including Doctor Henderson, are also of the same opinion. Under these circumstances I am not prepared to recommend any reduction in the scale proposed by Mr. Kindersley.

6. It appears to me, however, from a statement which has been prepared in this Office that the strength of the Cantonment Guard employed in the Mysore Jail is in excess of the scale laid down by Mr. Kinderseley viz 1 peon for every 12 prisoners employed within the Jail and one peon for every five prisoners employed without the Jail and 1 Duffadar to every 10 peons, and that a reduction of expenditure on account of establishment is feasible in this Jail as

In regard to the forms as to which accounts are kept in Bombay Presidency Jails, I have seen the Forms in use in the Yerrowda Jail & especially in the Portland Jail where the facilities for escape are reduced to other precautions

well as in the fixed Establishments of peons attached to the Hajaun Kadoor and Chillte-=droog Jails.

7. The Superintendents of the Divisions will be referred to on the subject and I will report hereafter the reductions which I may be able to carry out.

I have the honor to be
Sir
Your most obedient Servt.

W Thwaytes
Offg Judicial Commissioner

Judicial

1871

No 2600
101

29

From

To The Secretary to the Govt of India
Foreign Dept
Calcutta

Dated 25th August

Despatched 28th

Received

Enclosures No.

General No 2600
No 101

1871-72

Sector G
File No 1
Serial No 1

Referring to this office Letter No 2991 dated 20th August 1870, submits a further opinion on the subject of the diminution of the number of guard over prisoners employed on Extra Mural Labor in Mysore.

2nd Enclosure

Mysore Commission

Extract

29/1/72

Mysore Chief Court's Office

Genl No 2600

Bangalore 25th Aug 1871

To

The Secretary to Government,
Public Works Department.

Sir,

With reference to the correspondence ending with your letter No 2791/129 dated 20th August 1870 regarding the number of convictions employed on Extra mural labour, I have the honor by direction of the Chief Court to report for the information of Government that the Superintending Surgeon of the Civil Station of Bangalore in consulting the Inspector General of Prisons in this Presidency has stated that it is very difficult to form an opinion of the proportion of Convicts to prisoners that might with safety be employed in the case of the employment of Gangs on Extra mural labour, ordinarily a minimum strength of 500 men.

2. The Jail of the prisoners and not likely ever to furnish a Gang of the strength for employment on the class of work under reference, and the

Officers consulted upon what
was to be done that would be a safe
standard in this matter. The Chief
Constable's powers of discretion. What
in the case of a factory working part time
in a limited space in close
open ground, a scale of one square
to from 10 to 20 persons according
to circumstances would be found
sufficient -

3. In the case of female factories
persons, for whom there is no suitable
employment in their
employed in hand work in their
particular neighbourhood, but beyond
its walls. All the Officers consulted
agree that one square would be
sufficient for every five persons,
& that it would not be safe to

adopt

a lower Scale in which
Opinion the C. Govt. applies the
Consideration thereof
4 The employment of such
persons is not contemplated
and is indeed forbidden by
the Orders that have been
issued on the subject, but
in the case of the minor
Jails in the Provinces there
may be no other means
of giving effect to sentences
of hard labour or of turning
the services of the Convicts
to any useful purpose, and
the Chief Comr. trusts that
the practice that has ob-